

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

PAUL MILLS,
Defendant/Movant,

VS.

UNITED STATES OF AMERICA.

USDC 3:01-CR-177-H(20)
(3:06-CV-1925-G)
USCA 07-10752

RECOMMENDATION REGARDING CERTIFICATE AS TO APPEALABILITY

A Notice of Appeal has been filed in the above captioned action in which the District Court has entered a final order in a proceeding pursuant to 28 U.S.C. § 2255. Pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253(c), the Magistrate Judge recommends as follows:

IFP STATUS:

- (X) the party appealing should be GRANTED leave to proceed *in forma pauperis*.
 () the party appealing should be DENIED leave to proceed *in forma pauperis*
 for the following reason(s):
 () the Court recommends that the District Court certify, pursuant to Fed. R. App. P. 24(a) and 28 U.S.C. § 1915(a)(3), that the appeal is not taken in good faith;
 () the person appealing is not a pauper;
 () the person appealing has not complied with the requirements of Rule 24 of the Federal Rules of Appellate Procedure and/or 28 U.S.C. § 1915(a)(1) as ordered by the Court.
 (See Notice of Deficiency and Order filed on ____).
 () the party appealing paid the appellate filing fee on _____.

COA:

- () a Certificate of Appealability should be GRANTED. (See issues set forth below).
 (X) a Certificate of Appealability should be DENIED. (See reasons stated below).

REASONS FOR DENIAL: For the reasons stated in the Findings, Conclusions and Recommendation of the United States Magistrate Judge, filed on April 13, 2007, which were accepted by the District Court on May 4, 2007, Movant has failed to demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000).

DATE: November 13, 2007

Wm. F. Sanderson, Jr.

UNITED STATES MAGISTRATE JUDGE